

## **ATTACHMENT A - DRAFT PROPOSED RULES**

### **Amendment:**

WAC 314-11-070 During what hours can I sell or serve liquor?

(1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

- (a) Sell liquor;
- (b) Offer liquor for sale;
- (c) Deliver liquor (except that beer and/or wine distributors may deliver beer and/or wine to retail licensees between the hours of 2 a.m. and 6 a.m.);
- (d) Permit the removal of liquor from the premises;
- (e) Allow liquor to be consumed on the premises; or
- (f) Possess liquor, except that persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

(2) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

**(3) A local government subdivision may petition the board to establish an extended hours service area within the jurisdiction of the local government. See WAC 314-\_\_ - \_\_ for exceptions when a premises is in a board recognized extended hours service area.**

### **New Section:**

**WAC 314-\_\_ - \_\_ Extended Hours Service Area – Definitions – Guidelines.**

(1) What is an Extended Hours Service Area and how is it different?

- (a) An “extended hours service area” is a geographic area within a local government subdivision that is designated by the local government subdivision and recognized by the board.
- (b) The board may permit licensees within an extended hours service area to sell liquor for consumption on the premises between the hours of 2 a.m. and 6 a.m, subject to local restrictions.

(2) How is an Extended Hours Service Area formed?

- (a) A local authority (a city, town, or county) may petition the board to establish an extended hours service area within the jurisdiction of the local authority.

- (b) A local authority must first designate an extended hours service area by ordinance. The board must recognize an extended hours service area before any unique review process, condition, or restriction described in this rule may be applied. A local authority must meet certain conditions to achieve recognition.
  - (c) The geographic area of an extended hours service area may include the entire territory of a local authority or a defined geographic area within the local authority.
  - (d) Local authority ordinance must explain the rationale of the proposed boundaries, and describe the boundaries in such a way that:
    - i. The board can determine which licensees are in the proposed extended hours service area; and
    - ii. The boundaries are understandable to the public at large.
  - (e) A local authority's petition for an extended hours service area must include:
    - i. An explanation of why the local authority is seeking an extended hours service area and the anticipated benefits of creating such an area;
    - ii. Statements of support by residents and businesses within the local authority for the creation of an extended hours service area;
    - iii. A statement from local law enforcement that provides an assessment of the potential impacts of an extended hours service area and a public safety plan for managing those impacts;
    - iv. Any restrictions or requirements the local authority will apply to licensees within the extended hours service area.
  - (f) The board shall grant or deny the petition, or communicate to the petitioner in writing requesting additional information that the petitioner must submit before the board can make a final decision. An order granting the petition shall identify any restrictions or requirements that apply to licensees within the extended hours service area.
- (3) For how long will an extended hours service area be in effect, and may an extended hours service area changed?
- (a) An extended hours service area remains in effect until:
    - i. A local authority repeals the enabling ordinance that defines the extended hours service area;
    - ii. A local authority requests that the board revoke its recognition of the extended hours service area;
    - iii. The board repeals its recognition of an extended hours service area of its own initiative and following a public hearing.
  - (b) The local authority may petition the board at any time to modify an extended hours service area's geographic boundaries, repeal or modify an existing condition or restriction, create a new condition or restriction, or terminate the extended hours

service area. The board will decide to grant or deny such a petition following notice and a public hearing. Modification or termination of an extended hours service area will be effective as to all licensees within the extended hours service area, upon the date identified by the board.

(4) Reporting requirements and assessments.

(a) Following establishment of an extended hours service area, the local authority shall submit annual reports to the board that identify:

- i. overall numbers of public safety incidents (including reported crime, emergency responses, and emergency room intakes, all reported by type of incident and time of day) within the jurisdiction of the local authority;
- ii. overall numbers of public safety incidents within the extended hours service area;
- iii. public safety incidents associated with licensees within the extended hours service area;
- iv. public safety incidents associated with licensees operating between the hours of 2 a.m. and 6 a.m. within the extended hours service area; and
- v. any other information as may be requested by the board.

Reports shall be submitted no later than sixty calendar days following first anniversary of the effective date of the extended hours service area, and annually thereafter.

(b) The board will conduct an assessment of an extended hours service area following the first, third, fifth anniversaries of effective date of the extended hours service area, and every fifth year thereafter. The assessment process is as follows:

- i. Within ten calendar days of receiving a local authority's report, the board shall notify affected parties of the upcoming assessment, whereupon an affected party has twenty calendar days to comment upon, or petition the board to discontinue its recognition of, an extended hours service. Affected parties may include, but are not limited to: licensees, residents, businesses or neighboring local authorities.
- ii. An affected party may submit a written request for one twenty calendar-day extension of the comment/petition period, which the board may grant provided that an affected party provides sufficient reason why he or she is unable to meet the initial twenty-day deadline.
- iii. The board will complete an assessment within sixty calendar days following the close of the final comment/petition period.
- iv. An assessment shall identify any modifications the board intends to make to the extended hours service area, or the board's reasons for revoking recognition of the extended hours service area.